

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SHAUNNA LEANN DODD,

*Plaintiff,*

vs.

JAMES COX ,

*Defendant.*

3:13-cv-00587-RCJ-WGC

ORDER

This civil rights action by a Nevada state criminal defendant comes before the Court for initial review.

Plaintiff failed to properly commence this action by submitting an application to proceed *in forma pauperis* on the required form. Under Local Rule LSR 1-1, a person seeking pauper status must file an application on the Court's required form, with both a financial certificate by an authorized officer and a statement of her inmate account for the prior six months. Plaintiff neither paid the filing fee nor filed a pauper application.

In a cover letter, plaintiff asserts that, at the jail, she turned in "the financial form with a kite on September 19, 2013" but had not received back a response. She maintains that her jailers have interfered with her legal mail and access to the courts.

The docket records of this Court reflect that, in the preceding approximately a month through the date of the filing of the present action, plaintiff: (1) filed a petition for removal in this Court in No. 3:13-cv-00538-MMD-WGC and paid \$400.00 for the filing fee, seeking to remove her pending state murder prosecution to federal court; (2) has filed multiple extensive

1 papers in that action over her own signature; (3) filed the present action; and (4) filed also  
2 another federal civil rights action the same day in No. 3:13-cv-00588-RCJ-WGC.

3 The docket records of this Court accordingly: (a) tend to belie plaintiff's assertion that  
4 she is unable to access the Court to file papers; and (b) further suggest that petitioner may  
5 well have available financial resources with which to pay the filing fee in full.

6 Plaintiff may not commence an action without either paying the filing fee or submitting  
7 an appropriate pauper application. Under the Prison Litigation Reform Act, even if plaintiff  
8 is not able to pay an initial partial filing fee, she will be required to pay the full \$350.00 filing  
9 fee in installments drawn from her inmate account. The full filing fee must be paid even if the  
10 action later is dismissed. If the full filing fee is not paid during plaintiff's detention at the local  
11 jail, the remaining unpaid portion of the fee will be drawn from her inmate account following  
12 her transfer to the Nevada Department of Corrections.<sup>1</sup> If she seeks to proceed without  
13 payment, she must present the Court with a properly completed pauper application,  
14 acknowledging the foregoing requirements. If she fails to either submit a properly completed  
15 pauper application or pay the filing fee, she fails to properly commence the action.

16 The Court therefore will dismiss this improperly-commenced action without prejudice.  
17 It does not appear that a dismissal without prejudice will materially impact the analysis of any  
18 statute of limitations issue or other issues in a promptly filed and properly commenced new  
19 federal action or otherwise result in substantial prejudice.<sup>2</sup>

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21 <sup>1</sup>The state district court's online docket sheet reflects that a jury found plaintiff guilty of first-degree  
22 murder with the use of a deadly weapon on October 10, 2013. Sentencing is scheduled for November 26,  
2013.

23 <sup>2</sup>Plaintiff alleges that a vehicle was improperly seized by the Washoe County Sheriff's Department on  
24 December 29, 2012, for evidence without her permission or a warrant. She further alleges that she was  
25 arrested without a warrant on January 3, 2013. She names as defendant the investigating detective. She  
26 seeks "[r]elease from custody, [to be] cleared of all charges and my personalty and biological property  
restored."

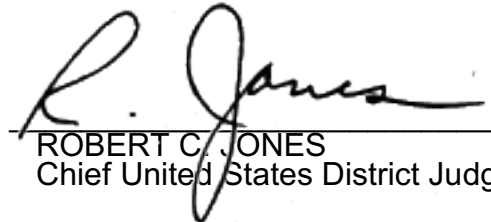
27 Even if plaintiff *arguendo* presented a viable and currently cognizable claim, more than one year  
28 remained in the applicable two-year statute of limitations at the time that this action was filed. A dismissal  
without prejudice therefore will not materially impact the analysis of any statute of limitations or other issue.

(continued...)

1 IT THEREFORE IS ORDERED that this action shall be DISMISSED without prejudice  
2 to the filing of a new properly commenced action under a new docket number with either the  
3 required filing fee or a properly completed application to proceed *in forma pauperis*. The  
4 Clerk of Court shall SEND plaintiff two copies each of a pauper form for a prisoner and a civil  
5 rights complaint form, along with the instructions for the forms and a copy of all papers that  
6 she submitted.

7 The Clerk shall enter final judgment accordingly, dismissing this action without  
8 prejudice.

9 DATED: This 6<sup>th</sup> day of November, 2013.

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12 ROBERT C. JONES  
13 Chief United States District Judge  
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23 <sup>2</sup>(...continued)

24 Plaintiff at all times remains responsible for calculating the applicable limitations periods and properly  
25 and timely commencing an action for appropriate relief. Nothing in this order directs, grants permission, or  
26 advises plaintiff to file any particular action. Nor does this order hold by implication or otherwise that plaintiff  
27 presents a viable claim that currently is cognizable in a federal civil rights action. The present improperly-  
28 commenced action simply is being dismissed without prejudice to the filing of a new action.

The Court would note that any *arguendo* issues that plaintiff allegedly is having with mail at the jail  
would become moot vis-à-vis that facility upon her transfer to the Nevada Department of Corrections.